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Julian, Geo. W. Hon. Ind.

Homesteads for soldiers on
the lands of Rebels. Speech...





Class E 480

Book J 24







HOMESTEADS FOR SOLDIERS ON THE LANDS OF REBELS.

SPEECH

OF

HON. GEO. W. JULIAN, OF INDIANA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MARCH 18, 1864.

The House having under consideration the bill reported from the Committee on Public Lands amendatory of the homestead law, together with the amendments thereto, Mr. JULIAN said:

Mr. SPEAKER: During the past month I prepared and reported from the Committee on Public Lands a bill to provide homesteads for persons in the military and naval service of the United States, on the forfeited and confiscated lands of rebels. The bill was re-committed and printed; and my purpose was to discuss its provisions under the general call of committees for reports, which will bring the subject directly before the House for its action. I find, however, in the crowded state of our business, that this would delay my purpose indefinitely; and I have therefore concluded to avail myself of the opportunity now offered to submit what I have to say.

The measure referred to will be considered a novel one, but it should not therefore be regarded with surprise or disfavor. Our country is in a novel condition. The civil war in which we are engaged is one of the grandest novelties the world has ever seen. We are every day brought face to face with new questions, and compelled to accept the new duties which lie in our path. Whosoever comprehends this crisis, and is willing to assume its burdens, must keep step to the march of events, and turn his back upon the past.

The bill I have reported, however, is less a novelty in its principles, than in their application to new and unlooked for conditions. It involves, among other things, the policy of free homesteads to actual settlers; and since this policy is now seriously menaced, I may be allowed to refer briefly to the subject, by way of preface to what I shall have to say on the special matter before us.

Our homestead law was approved May the 20th, 1862. Its enactment was a long delayed but magnificent triumph of freedom and free labor over the slave power. While that power ruled the Government its success was impossible. By recognizing the dignity of labor and the equal rights of the million, it threatened the very life of the oligarchy which had so long stood in its way. The slaveholders understood this perfectly; and hence they resisted it, reinforced by their northern allies, with all the zeal and desperation with which they resisted "abolitionism" itself. Its final success is among the blessed compensations of the bloody conflict in which we are plunged. This policy takes for granted the notorious fact that our public lands have practically ceased to be a source of revenue. It recognizes the evils of land monopoly on the public domain, as well as in the old States, and looks to its settlement and improvement as the true aim and highest good of the Republic. It disowns, as iniquitous, the principle which would tax our landless poor men a dollar and a quarter per acre for the privilege of cultivating the earth; for the privilege of making it a subject of taxation, a source of national revenue, and a home for themselves and their little ones. It assumes, to use the words of General Jackson, that "the wealth and strength of a country are its population," and that "the best part of that population are the cultivators of the soil." This bold and heroic statesman urged this policy thirty-two years ago; and had it then been adopted, coupled with adequate guards against the greed of speculators, millions of landless men who have since gone down to their graves in the weary conflict with poverty and hardship, would have been cheered and blest with independent homes on the public domain. Wealth incalculable, quarried from the mountains and wrung from the forests and prairies of the West, would have poured into the federal coffers. The question of slavery in our national territories would have found a peaceful solution in the steady advance and sure empire of free labor, whilst slavery in its strongholds, girdled by free institutions, might have been content to die a natural death, instead of ending its godless career in an infernal leap at the nation's throat.

The homestead act did not go into effect till the first of January, 1863. Within four months from that date, notwithstanding the troubled state of the country, more than a million of acres were taken up under its provisions; and at the close of the year ending September the 30th, this amount was increased to nearly a million and a half. Peace will soon revisit the land and resurrect the nation to a new life. The energy and activity of

the people, now directed to the business of war, will be dedicated afresh to industrial pursuits. Many thousands in the loyal States who will have caught the spirit of travel and adventure, and far greater multitudes in the old world who will be tempted to our shores, will lay hold of the homestead law as their glad refuge and sure help. It will be the day-star of hope to millions beyond the sea, and it is now the fond child of the millions of our own people who march under the old flag of our fathers. Should it stand for ten years to come, its blessings will outstrip the most sanguine anticipations of its friends. Its overthrow, I have said, is threatened; and this is done by indirection, as well as by open assault. Since the date of its passage, Congress has granted nearly seven millions of acres for the benefit of agricultural colleges, and about twenty millions to aid in the construction of railroads. There are now pending before Congress bills making other grants for railroads amounting to nearly seventy millions of acres. We have a project before us which grants nearly seven millions of acres for the education of the children of soldiers; another, granting two hundred thousand acres in the State of Michigan for the establishment of female colleges, which of course would be extended to the other States; and another, granting ten millions of acres for the establishment of Normal schools for young ladies. Every day witnesses the birth of new projects, by which our public lands may be frittered away, and the beneficent policy of the homestead law mutilated and destroyed. And simultaneously with the development of this backward movement, and as if to aid it, speculators are hovering over the public domain, picking and culling large tracts of the best lands, and thus cheating the government out of their productive wealth, and the poor man out of the home which else might be his at the end of the war. Whilst the homestead policy is thus invaded by gradual approaches and indirect attack, its overthrow is boldly demanded as a financial necessity. A veteran public journalist, and one of the foremost party leaders of our time, proposes to go back from the Christian dispensation of free homes and actual settlement to the Jewish darkness of land speculators and public plunder. He wants money to pay our immense national debt, and seeks to obtain it by levying on the lands which the nation has already dedicated by law to occupancy and cultivation as the sure means of revenue. What we want and the Government needs is immigration. This is demonstrated by the report of Hon. Samuel B. Ruggles to the International Congress which met at Berlin in last September. He takes the eight food-producing States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and shows that between the years 1850 and 1860 their population increased 3,554,095, of whom a very large proportion were emigrants from the old States and from Europe. He shows that this influx of population increased the quantity of improved land in these States, within the same period, 25,146,054 acres; that the cereal products of these States increased 248,210,028 bushels; that their swine increased 2,503,224; their cattle 2,831,098. He further shows that within the same period the assessed value of real and personal estate of these States was augmented \$2,810,000,000. These, to a great extent, are the direct results of immigration; and in the light of these facts the interest and duty of the Government are palpable. By all honorable and reasonable means it should tempt Europe to send her people to our shores. From 1850 to 1860 the immigration averaged, annually, 270,762, giving a total of 5,062,414. Within the next ten years, should the homestead policy continue, the number of immigrants will probably far transcend all precedent, while increasing multitudes from our older States will join in the grand procession towards the West. If Thurlow Weed wishes to use the public domain in paying our national debt, here is the process. It is simply to give heed to the divine injunction to "multiply and replenish the earth." It is to give homes to the millions who need them, and at the same time coin their labor into national wealth, by marrying it to the virgin soil which woos the cultivator. It is to compel the earth to yield up her fruits, so that commerce may transmute them into silver and gold. Thus only can we solve the problem of our finances, so far as the public lands are concerned. The project of paying a debt of three thousand millions of dollars, or even the interest on it, by the sale of these lands, is sublimely ridiculous; whilst the proposition to repeal the homestead law is a proposition to encourage speculation, to plunder the Government, to betray the just rights of millions by violating the plighted faith of the nation, to hinder the march of civilization, and to weaken the force of our example as a Republic, asserting equal rights and equal laws as the basis of its policy.

But I pass from this topic. I have adverted to it, partly because I desired to sound the alarm of danger in the ears of the people, and thus avert its approach, and partly because the considerations I have presented bear directly upon the measure now before the House.

Mr. Speaker, this rebellion has frequently, and very justly, been styled a slaveholders rebellion. It is likewise a land-holders rebellion, for the chief owners of slaves have been the chief owners of land. Probably three-fourths, if not five-sixths of the lands in the rebel states at the beginning of the war belonged to the slaveholders, who constituted only about one fiftieth part of the whole population of those States; whilst of the entire landed estate of the three hundred and fifty thousand slaveholders of the

South, at least two-thirds belonged to less than one-third of their number. I make my calculations from our census tables, and such other information as I find within my reach. The bill I have reported therefore contemplates no general seizure and confiscation of the property of the people in the insurrectionary districts. It looks to no sweeping measures against the rights of the masses, but simply to the breaking up and distribution of vast monopolies, which have made the few the virtual owners of the multitude, whether white or black. It is a bill to restore the people to their inalienable rights, by chastising the traitors who conspired against the government. It proposes to vest in the United States the lands which may be forfeited by confiscation in punishment of treason, or of other crimes under municipal laws; by confiscation as a right of war, by military seizure, or by process *in rem*; and by sales for nonpayment of taxes. The *quantity* of real estate which will thus pass from the hands of rebels cannot now be definitely determined, but in seeking to estimate it we should bear in mind one important consideration. The war which the rebels are waging against us is no longer a mere insurrection. It is not a grand national riot, but a civil, territorial war between them and the United States. Having taken their stand outside of the Constitution, and rested their cause on the naked ground of lawless might, they have, of necessity, no constitutional rights. For them the Constitution has ceased to exist. They are belligerents, enemies of the United States. They still owe allegiance to the government, and are still traitors, but they are at the same time public enemies, who have simply the rights of war, and are to be dealt with according to the laws of war. The rights of war and the rights of peace cannot co-exist in the hands of rebels. One party to a contract cannot violate it, and yet hold the other bound; and hence the Constitution has nothing whatever to do with our treatment of the rebels, unless we shall see fit voluntarily to waive the rights of war, and deal with them as citizens merely. I am not now uttering my own opinion, but the solemn judgment of the Nation itself, speaking authoritatively through the highest court in the Union. According to the decision of that court a civil war between the United States and the rebels has been carried on for more than two years and a half. In the celebrated prize cases decided last spring, and reported in 2, Black's Reports, p. 635, Judge Grier says, "the parties to a civil war are in the same predicament as two nations who engage in a contest, and have recourse to arms;" that "a civil war exists, and may be prosecuted, on the same footing as if those opposing the government were foreign invaders, whenever the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts cannot be kept open;" and that "the present civil war between the United States and the so-called Confederate States has such a character and magnitude as to give the United States the same rights and powers which they might exercise in the case of a national or foreign war." Such, Mr. Speaker, is the law as to the relations existing between the rebels and the United States. I am not arguing the point, because all argument is closed by this decision. The rebels are belligerents, and when they shall be effectually vanquished, they will have simply the rights of a conquered people under the law of nations, that is to say, such rights as we shall choose to grant them, according to the laws of war, untrammelled by the Constitution of the United States.

In the light of this settled principle, Mr. Speaker, I judge of the extent of rebel territory which must fall under our control. The war will increase in intensity and fierceness to the end. The exasperation of the rebels will naturally keep pace with our successes. Our war policy, which has been steadily growing more and more earnest and radical for the past two years, will not again become a "war on peace principles." The amnesty proclamation may reach the case of many, but should it reach even all who are not expressly excepted by its terms, there will still be an immense territory falling under our power. Sir, whether we have willed it or not, this is now a war of *subjugation*, and the law of nations must govern the parties and the settlement of the dispute. We shall not be confined to the penal enactments of Congress on the subject of treason, which require an indictment, a regular trial, and a conviction. The condemnation of rebel property need not depend upon the prosecution of its owner through a grand jury, who may be wholly or in part secessionists, nor upon his conviction by a petit jury of like character, nor upon the finding of a bill within any statute of limitations. Resting our case on the law of nations and the laws of war, we are not compelled to seek the land of the rebel through a trial which must be had in the county in which the offence was committed, and in which both court and jury may be in sympathy with the accused. The several penal acts of Congress on these subjects, and the ordinary safeguards of law applicable to the rights of citizens in a time of peace, are not in our way. The war powers of the government, as asserted and defined in the 5th, 6th, 7th, and 8th, sections of the confiscation act of July 17, 1862, point to a remedy as sweeping as it is just, namely, the military seizure, condemnation, and sale of the real estate of traitors and their abettors. A considerable quantity of land, it is true, may pass from the rebels by judicial proceedings against them for treason, and other crimes under municipal statutes. I know too that millions of acres must be forfeited by the non-payment of taxes. But

independent of these sources of title, and by virtue of military seizure and condemnation alone, a very large proportion of the lands within the insurrectionary districts must vest in the government of the United States.

If it be said that the government has no right to confiscate the fee simple of rebel States, I meet it with a direct denial. In what I have said, I have taken this right for granted. I have never doubted it for a moment, and I shall not now argue the question. The honest refusal of the President, in last June, to allow Congress to touch the fee of rebels in arms against the nation, was the saddest and grandest mistake of his life. That the right to do so was disputed and debated in the last Congress, as it has been extensively in this, by some of our wisest statesmen and greatest lawyers, will hereafter be set down among the political curiosities of this century. Our fathers were not fools, but wise men, who armed the nation with the power to crush its foes, as well as to protect its friends. "The Constitution was made for the people, not the people for the Constitution." It was not designed as a shield in the hands of traitors, but as a sword in the hands of the government to smite them to the earth. It recognizes the law of nations and the laws of war, nor was it possible for our country to escape them. The builders of our national ship did not so fashion and rig her that she could sail only in calm weather and over smooth seas, but they qualified her to ride out the fiercest tempest in safety, and to defy all pirates. That the nation, in this struggle for its life against red-handed traitors and assassins, has no power to confiscate their lands, is a proposition which gives comfort to every rebel sympathizer in the country, while it insults both loyalty and common sense. The people know better, and on this question their voice must be heeded. They do not believe, but they *know*, that the lands of rebels are subject to our power under the laws of war, as well as their personal property, their negroes, or their lives. The government, in the course of this struggle, has learned many lessons. Others are yet to be mastered. Having learned how to strike at slavery as the wicked cause of the war, and to arm the negroes in the national defence, it must now lay hold of the lands of rebels. I believe our triumph over them is not so near at hand as we generally suppose. The most terrific fighting of the war is yet to come. They do not dream of surrender, or compromise, on any conceivable terms. They will resist us, to the end, with a spirit as remorseless as death, and as bitter as the ashes of hell. They must be overcome and crushed by the powers of war, and we must employ, with all the might which can be kindled by the crisis, every weapon known to the law of nations. Congress must repeal the joint resolution of last year which protects the fee of rebel land-holders. The President, as I am well advised, now stands ready to join us in such action. Should we fail to do this the courts must so interpret the joint resolution as to make its repeal needless. Should both Congress and the courts stand in the way of the nation's life, then "the red lighting of the people's wrath," must consume the recreant men who refuse to execute the popular will. Our country, united and free, must be saved, at whatever hazard or cost; and nothing, not even the Constitution, must be allowed to hold back the uplifted arm of the government, in blasting the power of the rebels forever.

I come then, Mr. Speaker, to the practical question involved in this bill. This conflict is to be ended by hard, desperate, and perhaps protracted fighting. We shall certainly win; and our triumph will inevitably divest the little to a vast body of land in the rebel States, and place it under our control. I think it entirely safe to conclude that it will constitute more than half, and probably three-fourths, of all the cultivated lands in the rebellious districts. It will certainly, in any event, cover many millions of acres. It will include all lands against which proceedings *in rem* shall be instituted, under the provisions of the act to suppress insurrections, and to punish treason and rebellion, approved July 17th, 1862; all lands which may be sold under the provisions of the act for the collection of direct taxes in insurrectionary districts, approved June 7th, 1862; and all lands which may be sold under the provisions of the act to provide internal revenue to support the Government, approved July 1st of the same year.

What shall be done with these immense estates, brought within our power by the acts of rebels? One of two policies, radically antagonistic, must be accepted. They must be allowed to fall into the hands of speculators, and become the basis of new and frightful monopolies, or they must be placed under the jurisdiction of the Government, in trust for the people. The alternative is now presented, and presses upon us for a speedy decision. Under the laws of Congress now in force, unchecked by counter legislation, these lands will be purchased and monopolized by men who care far more for their own mercenary gains than for the real progress and glory of our country. Instead of being parceled out into small homesteads, to be titled by their own independent owners, they will be bought in large tracts, and thus not only deprive the great mass of landless laborers of the opportunity of acquiring homes, but place them at the mercy of the lords of the soil. The old order of things will be swept away, but a new order, scarcely less to be deplored, will succeed. In place of the slaveholding land-owner of the South, lording it over hundreds of slaves and thousands of acres, we shall have the grasping monopolist

of the North, whose dominion over the freedmen and poor whites will be more galling than slavery itself, which in some degree tempers its despotism through the interest of the tyrant in the health and welfare of his victims. The maxim of the slaveholder that "capital should own labor," will be as frightfully exemplified under the system of wages slavery, the child of land monopoly, as under the system of chattel slavery, which has so long scourged the southern States. What we should demand is a policy that will guarantee homes to the loyal millions who need them, and thus guard their most precious rights and interests against the remorseless exactions of capital and the pitiless rapacity of avarice. The helpless condition of the poor of the rebel States, when capitalists shall have monopolized the land, is already foreshadowed in the recent report of Mr. Yeatman, of the Western Sanitary Commission. He says:

"The poor negroes are everywhere greatly oppressed at their condition. They all testify that if they were only paid their little wages as they earn them, so that they could purchase clothing, and furnished with the provisions promised, they could stand it; but to work and get poorly paid, poorly fed, and not doctored when sick, is more than they can endure. Among the thousands whom I questioned none showed the least unwillingness to work. If they could only be paid fair wages they would be contented and happy. They do not realize that they are free men. They say that they are told they are, but then they are taken and hired out to men who treat them, so far as providing for them is concerned, far worse than their 'secesh' masters did. Besides this, they feel that their pay or hire is lower now than it was when the 'secesh' used to hire them.

"The parties leasing plantations and employing these negroes do it from no motives either of loyalty or humanity. The desire of gain alone prompts them, and they care little whether they make it out of the blood of those they employ, or from the soil. There are, of course, exceptions; but I am informed that the majority of the lessees were only adventurers, camp followers, 'army sharks,' as they are termed, who have turned aside from what they consider their legitimate prey, the poor soldier, to gather the riches of the land which his prowess has laid open to them. I feel that the fathers and brothers and friends of these brave men should have an opportunity to reap, under a more equitable system for the laborer, the reward of the months of toil and exposure it has cost to open this country to the institutions of freedom and compensated labor. If these plantations were required to be subdivided into parcels or tracts, to suit the views and means of our western men, say in farms of from one to two hundred acres, thousands would soon flock to the South to lease them, especially when it was known that one acre of ground there cultivated in cotton would yield, in dollars, ten times as much as at home. Besides this, subdivision would attract a loyal population, who would protect the country against any guerrilla bands that might infest it."

Mr. Speaker, the poor whites of the South will be as powerless to take care of themselves as the freedmen, unless the Government shall arm them against their masters. "Subdivision" of the land, as Mr. Yeatman says, would also secure a loyal population, since every man who has a home to love and to defend will naturally love his country. This rebellion will present the strongest temptations to land monopoly that were ever offered to the greed of avarice and power. The rich lands of the South have been cursed by this evil from the beginning, and without the interposition of Congress the system will be continued, and vitalized anew by falling into fresh hands. The degraded and thriftless condition of the people, the heritage of centuries of bondage, will pave the way for land monopoly in more grievous forms than have yet been recorded in ancient or modern times. Society cannot possibly be organized on a Republican basis, because a grinding aristocracy, resting upon large landed estates, will convert the mass of the people into mere drudges and dependants. African slavery may not exist in name, but the few will practically control the fortunes of the many, irrespective of color or race. In such communities public improvements will necessarily languish. Wasteful and slovenly farming will stamp upon the country the impress of dilapidation, while reducing the productiveness of the soil, and hindering the growth of manufactures and commerce. In the midst of large landed estates, towns and villages can neither be multiplied nor enjoy a healthy growth. The want of diversity of pursuits and competition in business, will palsy the energies of the people. The education of the masses will be impossible, since the establishment and support of schools within convenient reach of the people cannot be secured. The proprietors of the great estates, as has been well remarked, will be feudal lords, while the poor will have no feudal rights. Under the tendency of a false system, society will steadily gravitate towards the example of South America and Mexico, where some estates are larger than two or three of the smaller States of our Union. The country will find its likeness in England, in which the smaller landholders are daily being swallowed up by the larger.

"In the civilized world," says Dr. Channing, "there are few sadder spectacles than the present contrast in Great Britain of unbounded wealth and luxury, with the starvation of thousands and tens of thousands, crowded into cellars and dens, without ventilation or light, compared with which the wigwam of the Indian is a palace. Misery, famine, brutal degradation, in the neighborhood and presence of stately mansions, which ring with gaiety, and dazzle with pomp and unbounded profusion, shock us as does no other wretchedness."

Sir, the sympathy of the British aristocracy for the rebels is altogether natural. Land monopoly is slavery. The great English landlord looks upon the large slaveholders of the South as "brothers beloved," while the "sand-hillers" and "clay-eaters" of Carolina

and Georgia are perhaps not more miserably degraded by unjust laws than the English agricultural laborer. Mr. Bancroft, describing the condition of Italy some two thousand years ago, says:

"The aristocracy owned the soil and its cultivators. The vast capacity for accumulation which the laws of society secure to capital in a greater degree than to personal exertion, displays itself nowhere so clearly as in slaveholding States, where the laboring class is but a portion of the capital of the opulent. As wealth consists chiefly in land and slaves, the rates of interest are, from universally operative causes, always comparatively high; the difficulty of advancing with borrowed capital proportionally great. The small landholder finds himself unable to compete with those who are possessed of whole cohorts of bondmen; his slaves, his lands, rapidly pass, in consequence of his debts, into the hands of the more opulent. The large plantations are continually swallowing up the smaller ones; and land and slaves come to be engrossed by a few."

This is not only an exact description of slavery as we have seen it in the southern States, but a parallel in principle to the system of aristocracy in England, founded on the monopoly of the soil. Travelers through that country speak of it as "thinly settled." Outside of the cities and towns this is true. Even the commons, on which the poor used to pasture their cattle and enjoy their games, are now enclosed by legalized land robbers. Those who demand a correction of these evils, in the name of justice and the people, are denounced as "Agrarians," just as the enemies of slavery in this country are branded as "Abolitionists." The slaveholding land monopolists of this country are to-day reaping the bitter fruits of their unrighteous domination. A retribution to the aristocracy of England, not less terrible, is as certain to come as that pampered injustice finds no limits to its demands.

But I need not dwell longer upon the evils of land monopoly. The history of civilization furnishes an unbroken testimony to these evils, and thus pleads with us, in the organization of new civil communities, to fortify ourselves against them. A grand opportunity now presents itself for recognizing the principles of radical democracy in the establishment of new and regenerated States. We are summoned by every consideration of patriotism, humanity, and republicanism to lay the foundations of empire upon the enduring basis of justice and equal rights. No revolutionary or destructive measures are required on our part. We are already in the midst of revolution and chaos. Through no fault of our own, the foundations of social and political order in the rebel States are subverted, and the elimination of a great disturbing element opens up our pathway to the establishment of free Christian commonwealths on the ruins of the past. These States constitute one of the fairest portions of the globe. They are larger in area than all the free States of the North. They have a sea and gulf coast of more than six thousand miles in extent, and are drained by more than fifty navigable rivers, which are never closed to navigation by the rigor of the climate. They have at least as rich a soil as the States of the North, yielding great wealth-producing staples peculiar to them, and two or three crops in the year. They have a finer climate, and their agricultural, manufacturing, and commercial advantages are decidedly superior. Their geographical position is better, as respects the great commercial centres of the world. The institution of slavery, which has so long cursed these regions by excluding emigration, degrading labor, and impoverishing the soil, will very soon be expelled. The cry which already comes up from these lands is for free laborers. If we offer them free homesteads, and protect their rights, they will come. John Bright, in a recent speech at Birmingham, estimates that within the past year 150,000 people have sailed from England to New York. Let it be settled that slavery is dead, and that the estates of traitors in the South can be had under the provisions of the homestead law, and foreign emigration will be quadrupled, if not augmented ten fold. Millions in the old world, hungering and thirsting after the righteousness of free institutions, will flock to the sunny South, and mingle there with the swarms of our own people in pursuit of new homes under kindlier skies. Immigration has not slackened, even during this war, and in determining the direction it will take it must be remembered that settlements have very nearly reached their limits in the North and West. Kansas and Nebraska are border States, and must so continue. Their storms, and draughts, and desert plains give a pretty distinct hint that the emigrant must seek his Eldorado in latitudes further south. In the new Northwestern States the richest lands have been purchased, and vast portions of them locked up by speculators. Their distance from the great markets for their produce, and their severe winters, will also check emigration in that direction, and incline it further south, if lands can be procured there with tolerable facility. The rebel States not only abound in cheap and fertile land, with cheap labor in the persons of the freedmen to assist in its cultivation, but they possess great mineral resources. They have also extensive lines of railroads, which, in connection with their great rivers, bring almost every portion of their territory into communication with the sea.

Mr. Speaker, nothing can atone for the woes and sorrows of this war but the thorough reorganization of society in these revolted States. Now is the time to begin this work. We must not only cut up slavery, root and branch, but we must see to it that these teeming regions shall be studded over with small farms and tilled by free men. We

must remember that "the best way to help the poor is to enable them to help themselves." We must guard the equal rights of the people as a religious duty, for "Christianity is the root of all democracy, the highest fact in the rights of man." Labor must be rendered honorable and gainful, by securing to the laborer the fruits of his toil. Instead of the spirit of Caste and the law of Hate, which have so long blasted these regions, we must build up homogeneous communities, in which the interest of each will be recognized as the interest of all. Instead of an overshadowing aristocracy, founded on the monopoly of the soil, and its dominion over the poor, we must have no order of nobility but that of the laboring masses of the country, who fight its battles in war, and constitute its glory and its strength in peace. Instead of large estates, widely scattered settlements, wasteful agriculture, popular ignorance, political and social degradation, the decay of literature, the decline of manufactures and the arts, contempt for honest labor, and a pampered aristocracy, we must have small farms, closely associated communities, thrifty tillage, free schools, social independence, a healthy literature, flourishing manufactures and mechanic arts, respect for honest labor, and equality of political rights. These ends, to a great extent, are provided for by the bill I have introduced, and no measure of more vital interest to the people has ever been submitted to the Congress of the United States. I voted for the bill which has passed this House, providing for a Bureau of Emancipation, but I must regard this measure as a far better "freedman's bill" than that of my honorable friend from Massachusetts, for it provides for the emancipation of all races, and the freedom of labor itself. These regions, blighted by treason, must be cared for, or abandoned, by the General Government. The heaven-daring conspiracy of rebels in arms has placed them, or will place them, at our feet. Shall we hand them over to the speculator, in the hope of thereby securing a revenue to pay our national debt? I have shown that the true source of revenue is the cultivation of the soil. The future of these rebellious States, involving the well-being of millions for generations to come, is now committed to our hands. We can re-enact over them the political and social damnation of the past, or predestinate them to the blessedness and glory of a grand and ever-unfolding future. We can build up a magnificent constellation of free commonwealths, whose territory can support a population of more than one hundred millions, on the basis of free labor and a just distribution of land among the people; or we can again organize society after the pattern of Europe, and thus spare the hideous cancer, which, in the words of Chateaubriand, "has gnawed social order since the beginning of the world." Can we hesitate, in dealing with so fearful an alternative? Shall we mock the Almighty by sporting with the heaven-permitted privilege now placed before us? Shall we heap curses on our children, when blessings are within our grasp? Sir, let us prove ourselves worthy of our day and of our work. Let us rise to the full height of our sublime opportunity, and thus make ourselves, under Providence, the creators of a new dispensation of liberty and peace. Then, in the eloquent language of Solicitor Whiting, "the hills and valleys of the South, purified and purged of all the guilt of the past, clothed with a new and richer verdure, will lift up their voices in thanksgiving to the Author of all good, who has granted to them, amidst the agonies of civil war, a new birth and a glorious transfiguration. Then, the people of the North and the people of the South, will again become *one people*, united, in interests, in pursuits, in intelligence, in religion, and in patriotic devotion to our common country."

As regards the particular provisions of the bill before us, I need not occupy much of the time of this House. It has been printed, and gentlemen have had the opportunity of examining it for themselves. It has been prepared with much care, and with the assistance of some of the best lawyers in the Union. The first and second sections of the bill provide the methods by which the title of rebel land owners shall vest in the United States under the acts of Congress now in force on the subject of confiscation and revenue. I shall not discuss the *power* of the government thus to acquire the title to this land, for it cannot be controverted without overturning all the legislation of the last Congress on the subject of confiscation, internal revenue, and the collection of taxes in insurrectionary districts. I have, in fact, already argued the question of power, in what I have save said of our relations to the rebels as belligerents.

The third section provides for the survey of the lands in question as nearly as may be in forty acre lots. This is deemed necessary from the fact that in several of the insurrectionary districts the old system of irregular surveys exists, and not the present or rectangular system. The section also provides for the appointment of necessary officers and their compensation, and contemplates the application and use of the machinery of the General Land Office within such districts.

The fourth section gives a homestead of eighty acres to all soldiers who shall have served in the army or navy two years, and forty acres to all persons who shall have aided in the military service against the rebels for any period of time, either as soldiers or laborers. It also extends the provisions of the homestead act of 1862 over these lands, and thus avoids any new and cumbersome regulations, and exacts a continuous residence of five years to consummate the title.

The fifth section provides that after keeping the lands open for homesteads for five years, those remaining vacant shall be sold at public sale. It prohibits the sacrifice of them by fixing a minimum price, which they must bring. It also requires the purchaser to comply with the pre-emption act of 1841, prior to his receiving a patent, thus demanding a residence on the land, and precluding an accumulation of it in the hands of speculators. These safeguards look to the benefit of the mass, and not the interests of a few, even after homesteads have been selected. This section also provides that proof of loyalty shall be made by all persons claiming rights under the bill.

The sixth section, as will be seen, requires no comment. The seventh requires persons selecting improved lands to pay for whatever may be found of value on them, after an appraisement by persons regularly appointed for the purpose, and to pay the costs created by the proceeding. The effect will be that the expenses created by the act will be paid into the treasury of the United States, and may exceed the expenditures which will be connected with its operations.

The eighth section establishes an obviously just if not a necessary rule of construction as to persons of color, giving them equal rights with white men, and extends the inchoate rights of a settler to his heirs, or widow, who may complete payments and make proof.

The ninth section places the execution of the act in the Department of the Interior, or that more immediately connected with the land system; and the last section repeals all laws inconsistent with the provisions of the act. I will only add, that the act has nothing to do with real estate in towns, cities, and villages, which will, of course, continue to be sold as heretofore.

These, Mr. Speaker, are the material provisions of the bill. They embody principles which I have endeavored to vindicate, by argument and by fact. If I am right, then every moment of delay is a golden opportunity wasted forever. Under the present policy of the government every passing day bears witness to the transfer of thousands of acres of forfeited lands to speculators. According to Judge Underwood, more than two hundred millions of dollars worth of property in the State of Virginia, chiefly real estate, should be confiscated by the government. Thousands of acres are now being sold in the vicinity of this city. In September last the President of the United States issued instructions to the Tax Commissioners of South Carolina, providing for the sale of 40,845 acres, of which 24,316 acres were to be sold to the highest bidder, in tracts of 320 acres. The remainder was to be sold to the heads of African families, for such sums, not less than one dollar and twenty-five cents per acre, as the government should see fit to demand. These sales are portions of a lot of 76,775 acres offered on the 9th of last March, when 16,479 acres were sold to speculators; making an aggregate of 40,795 acres, which will have been sold in large tracts, leaving for the negro only 16,479 acres which he may *buy*, if he can raise the money to pay the price fixed by the government. Such transactions as these, in Port Royal, where so much has been hoped for the freedman, are most significant. If any people have a divine right to these tropical lands, they are the slaves who have bought them, over and over, by their sweat and toil and blood, through centuries of oppression. Degraded and imbruted by servitude, mere children in knowledge and self-help, we require them to compete for their homesteads with the sharpened faculties of the white speculator, schooled in avarice by generations of money getting, who believes the Almighty dollar is the only living and true God, and would "run into the mouth of hell after a bale of cotton." Sir, our government is false to its trust, infidel to its mission, if it shall lend its high sanction to such wanton injustice and wrong. Had I the power I would give a free home on the forfeited land of rebels to every bondman in the insurrectionary districts. Let the government at least give him an equal chance with our own race, in the settlement and enjoyment of his native land. Less than this would be a mockery of justice, and an insult both to decency and humanity. He is excluded from the Northern States and territories by their uncongenial climate, by his attachment to his birth-place, and by Anglo-Saxon domination and enterprize. Let the government which has so long connived at his oppression now make sure to him a free homestead on the land of his oppressor. Let us deal justly with the African, and thereby lay claim to justice for ourselves. Let us remember, in the language of our patriotic Chief Magistrate, that "*We cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation. In giving freedom to the slave we assure freedom to the free; honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just,—a way which, if followed, the world will forever applaud, and God must forever bless.*"





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